IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

WP(C).No. 16865 of 2007(G)

PETITIONER:

THE BOARD OF DIRECTORS OF THE EZHUKONE COCONUT PROCESSING AND GENERAL MARKETING CO-OPERATIVE SOCIETY LTD., EZHUKONE, KOLLAM, REPRESENTED BY ITS PRESIDENT P.SAJEEV BABU.

BY ADVS. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS:
---

1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES, TRIVANDRUM.

2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), KOLLAM.

BY GOVERNMENT PLEADER SRI.P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

W.P.(C) No.16865 of 2007 G

Dated this the 4th day of June, 2007.

JUDGMENT

The petitioner challenges Ext.P5 notice seeking a declaration that the elected committee of the Society is entitled to continue in office till the expiry of their term. Finally, a direction is also sought to the respondents not to initiate any further action based on the inquiry without issuing notice and hearing the petitioner.

2. Ext.P5 dated 6.3.2007 is an order purported to be issued under Section 65 of the Kerala Co-operative Societies Act ordering an Inquiry. It is challenged in this writ petition.

3. Learned counsel for the petitioner submits that the apprehension of the petitioner is that the committee will be supereseded and the Administrator will take charge, without following the provisions in Section 32 of the Act i.e., without notice and without hearing the petitioner.

4. Government Pleader submits that any supersession will be preceded by the procedure established by law.

In such circumstances, the writ petition is disposed of directing that, if, on the basis of the Inquiry initiated under Ext.P5, it is found appropriate to supersede it, the respondents are bound to follow the provisions in Section 32 of the Act, viz., to issue notice to the petitioner and afford sufficient opportunity to lay objections and produce such materials before resorting to the act of supersession.

Sd/-

(K.M.JOSEPH)

JUDGE

sk/

//true copy//

P.S. To Judge